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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,837	09/29/2003	Guy G. Morneau	51995-7	3519

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EXAMINER

CHORBAJI, MONZER R

ART UNIT PAPER NUMBER

1744

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,837

Applicant(s)

MORNEAULT ET AL.

Examiner

MONZER R. CHORBAJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/29/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

**This general action is in response to the application filing date of 09/29/2003**

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 1- 2, Applicant recites that the apparatus which is for decontaminating air within an enclosed workspace is in fluid communication with the apparatus. The examiner is unable to construe what the second apparatus represent. Correction is requested.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Goswani (U.S.P.N. 5,993,738).

Regarding claim 1, Goswani discloses an air decontaminating device (figure 3:10) that includes the following: housing (unlabeled outer wall of reactor 21 in figure 3) having an array of UV lamps (figure 4:24) located within the enclosure, the enclosure

has an intake aperture (unlabeled left end of reactor 21 in figure 3) and an exhaust aperture (unlabeled right end of reactor 21 in figure 3) and the array of UV lamps forms an airflow process (unlabeled arrows that represent air flowing through the bank of UV lamp in figure 4), an air motivator (figure 3:65), a downstream conduit (unlabeled conduit in connection with right end of reactor 21) in fluid communication between the exhaust aperture and the workspace (figure 3:30, 32, 34, 36 and col.5, lines 10-15) and the intake aperture (unlabeled left end of reactor 21 in figure 3) is positionable relative to the workspace (col.5, lines 10-15).

Regarding claims 2-4, 6-7, 9 and 11, Goswani teaches the following: an intake conduit (figure 3:12), an opposite downstream end (figure 3:18) mounted to the intake aperture (unlabeled left end of reactor 21 in figure 3) in fluid communication with the UV array (figure 4:24), the UV lamp array (figure 4:24) are capable of being placed in parallel or vertical forms in Goswani device, Goswani device is combined with a building HVAC system (col.4, lines 36-44) that inherently includes rigid vertical or horizontal air ducts, the use of a fan (figure 3:65) and the array of Goswani device is capable of being a vertically parallel array of stick lamps (figure 4:24).

5. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lincoln et al (U.S.P.N. 5,935,525).

Regarding claim 13, Lincoln teaches a method for decontaminating air contained within an enclosed workspace (figure 1: 10, 400 and col.6, lines 4-10) that includes generating hydroxyl radicals in an airflow of non-contaminated air (figure 2:40, col.7,

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lines 62-67, col.8, lines 1-67 and col.18, lines 20-25), and urging the airflow (col.12, lines 9-14) into the workspace after the generation of the hydroxyl radicals in the airflow.

Regarding claims 14-15, Lincoln discloses the following: housing (figure 2:40) having array of UV lamps (figure 6:220), the use of a motivator for moving airflows (figure 2:20), generating hydroxyl radicals within the airflow as it passes through the housing (figure 2:40, col.7, lines 62-67, col.8, lines 1-67 and col.18, lines 20-25), providing a downstream conduit (figure 2:42, 79, 46 and 14) in fluid communication between the housing and the workspace and directing airflow into the workspace (col.12, lines 9-14).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goswani (U.S.P.N. 5,993,738) as applied to claims 1, 2 and further in view of Choate (U.S.P.N. 5,253,641).

Regarding claims 5 and 8, Goswani fails to teach the use of flexible conduits. Choate discloses the use of flexible conduits (figure:32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include flexible conduits into Goswani device as taught by Choate since having flexible air ducts result in directing outlet vents of treated air from Goswani device in various directions that meet individuals needs.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goswani (U.S.P.N. 5,993,738) as applied to claims 1, 11 and further in view of Tabatabaie-Raissi et al (U.S.P.N. 5,842,110).

Regarding claims 10 and 12, Goswani fails to teach placing adjacent rows of UV lamps in an offset positioning pattern. Tabatabaie-Raissi places adjacent rows of UV lamps in an offset pattern (figure 2A:331). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the positions

of Goswami UV lamps to an offset pattern as taught by Tabatabaie-Raissi so that contaminated air is forced to travel along narrow passages between UV lamps (Tabatabaie-Raissi, col.7, lines 19-31) set in an offset pattern thereby increasing air treatment residence time leading to improved air decontamination results.


***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goswami (U.S.P.N. 5,933,702) and Rense (U.S.P.N. 2,628,083) both use UV lights for decontaminating air within enclosures.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 9:00-5:30.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLADYS J. CORCORAN can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRC

  
GLADYS JP CORCORAN  
SUPERVISORY PATENT EXAMINER